

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MELISSA ZARDA and WILLIAM MOORE,
co-independent executors second of the estate
of DONALD ZARDA

10-CV-04334 (SJF) (AYS)

Plaintiffs,

NOTICE OF MOTION

- against -

RAYMOND MAYNARD
as the predecessor in interest, the sole shareholder
and alter ego to ALTITUDE EXPRESS, INC., and
RAYMOND MAYNARD, individually,

Defendants.
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PLEASE TAKE NOTICE that, pursuant to the briefing schedule established by the Honorable Sandra J. Feuerstein, U.S. District Court Judge, Defendant Raymond Maynard, by and through his counsel, Zabell & Collotta, P.C., shall respectfully move the Honorable Sandra J. Feuerstein, presiding at the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, New York 11722, for an Order dismissing the Second Amended Complaint of Plaintiffs, Melissa Zarda and William Moore, co-independent executors of the estate of Donald Zarda [ECF Doc. No. 280], in its entirety and with prejudice pursuant to Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Mr. Maynard relies upon, (1) Defendant's Memorandum of Law in Support of his Motion to Dismiss the Second Amended Complaint Pursuant to Fed. R. Civ. P. 12(B)(6), dated January 29, 2021; and (2) the Declaration of Saul D. Zabell, Esq., dated January 29, 2021, along with the exhibits attached thereto.

PLEASE TAKE FURTHER NOTICE that, pursuant to the January 25, 2021 directive of the Honorable Sandra J. Feuerstein, Plaintiffs' opposition to the instant motion, if any, shall be due on or before February 26, 2021, and reply papers March 9, 2021.

Dated: January 29, 2021
Bohemia, New York

Respectfully Submitted,

ZABELL & COLLOTTA, P.C.
Attorneys for Defendant
Raymond Maynard

By: 

Saul D. Zabell, Esq.
Ryan T. Biesenbach, Esq.
One Corporate Drive, Suite 103
Bohemia, New York 11716
T: (631) 589-7242
F: (631) 563-7475
SZabell@laborlawsny.com
RBiesenbach@laborlawsny.com